

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BIO-RAD LABORATORIES, INC. and PRESIDENT
AND FELLOWS OF HARVARD COLLEGE

Plaintiffs,

v.

10X GENOMICS, INC.,

Defendant.

C.A. No. 1:19-cv-12533-WGY

DEMAND FOR JURY TRIAL

10X GENOMICS, INC.,

Counterclaim Plaintiff,

and

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Counterclaim Co-Plaintiff as to certain
claims,

v.

BIO-RAD LABORATORIES, INC.,

Counterclaim Defendant,

and

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Counterclaim Co-Defendant as to DJ
counterclaims.

10X GENOMICS, INC.'S REQUEST FOR A STATUS CONFERENCE

Defendant and Counterclaim Plaintiff 10X Genomics, Inc. ("10X"), through undersigned counsel, respectfully submits this motion for a status conference to seek guidance from the Court. In this complex patent and antitrust case, the parties have been operating without a Court approved

scheduling order, without a Court approved protective order and without the Court's resolution of numerous discovery disputes. For context, 10X recites the following:

1. Pursuant to the Court's orders during the July 31, 2020 Scheduling Conference, on August 14, 2020, the parties submitted a Joint Proposed Amended Pretrial Schedule, which was partly agreed and partly disputed. ECF No. 147. The Court has not ruled on the Proposed Amended Pretrial Schedule.

2. Subsequently, the Court held a Markman Hearing by video on September 10, 2020, in which the Court construed some terms and took other terms under advisement. The Court has not issued a Markman order.

3. Among the agreed-upon dates in the Proposed Amended Schedule were the discovery cut-off date and the date for service of certain expert reports. The fact discovery cut-off date was October 9, 2020, which date has passed, but discovery is not complete. Expert reports were to be due as early as 6 days from today – Wednesday, October 21, 2020. Those expert reports cannot and should not be exchanged prior to discovery being complete or prior to receiving the Court's claim construction order.

4. Several other motions are pending which implicate the parties' ability to complete fact discovery. ECF Nos. 141, 147, 156, 175, 180, and 182.

5. For at least the reasons outlined in points 1 – 4 above, the schedule the parties had submitted is no longer viable and the parties need guidance from the Court in order to proceed forward on the merits of the claims to prepare for trial.

WHEREFORE, 10X respectfully requests that the Court schedule a brief status conference to address the schedule for the future conduct of this proceeding. To be useful and to address the issues above, 10X requests that the conference needs to be scheduled on or before for October 20, 2020.

Date: October 15, 2020

Respectfully submitted,

/s/ Katrina C. Rogachevsky

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CERTIFICATE OF SERVICE

The undersigned certifies that on October 15, 2020, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will issue an electronic notification of filing to all counsel of record.

/s/ Katrina C. Rogachevsky

Attorney Name